

### **REMARKS**

The Office Action dated August 24, 2004 has been given careful consideration by the applicants. Although the recognition of allowable subject matter in claim 12 is acknowledged and appreciated, reexamination and reconsideration of the remaining claims is respectfully requested.

Claims 1-20 remain in the application.

### **The Office Action**

The Examiner objected to claim 5 for a specified informality.

The Examiner rejected claims 1-3, 6-11, 14 and 16-19 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,654,493 to Hilliard et al.

The Examiner rejected claims 4 and 5 under 35 U.S.C. §103 as being unpatentable over the Hilliard patent in view of U.S. Patent No. 4,876,726 to Capello et al.

The Examiner rejected claims 13, 15 and 20 under 35 U.S.C. §103 as being unpatentable over the Hilliard patent in view of U.S. Patent No. 6,327,047 to Motamed.

The Examiner indicated that claim 12 is merely objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **The Present Application**

The present application is directed to an alarm apparatus, and associated method, that makes use of a sensor device that compares printed or measured color values with expected or ideal color values. When the measured values differ sufficiently from the ideal color values, the alarm apparatus signals to the user that a calibration should be performed. The printed or measured color values are obtained from a test patch that is printed, in one example, on a break page between print jobs. The alarm device is placed at the output tray of an image rendering device in one embodiment that may also be a separate stand alone hand held unit in other embodiments where it is manually used.

Significantly, the present application discloses in one exemplary embodiment a latching device, for example, latching device 308 in Figure 3, to latch the result of

the noted comparison. The latched result is then displayed to function as an indication to a user that the system should be calibrated.

**The Claims Patentably Distinguish Over the Cited Referenced of Record**

The Examiner rejected claims 1-3, 6-11, 14 and 16-19 as being anticipated by the Hilliard patent. However, as will be detailed below, the Hilliard patent does not anticipate such claims.

Independent claims 1, 11 and 19 all include recitations with respect to a latching device operative to selectively latch an output of the comparing device and a display device operative to display the latched output. In claim 11, this recitation is in the form of latching and displaying as a part of an overall method. Moreover, in claim 19, this recitation appears in mean-plus-function format. With respect to these independent claims, it is submitted that the Hilliard patent does not fairly teach the claimed elements. Therefore, these independent claims, and all claims dependent thereon, are not anticipated by the cited patent.

More specifically, the Hilliard patent does not fairly teach a latching device that is operative to selectively latch an output of a comparing device and a display device operative to display the latched output. The Examiner cites portions of the Hilliard patent relating to a step of computing a relationship between the captured image and the known colorimetric properties of the calibrated reference image as anticipating a latching device. However, it is submitted this is not a fair teaching of a latching device, as disclosed and claimed in the present application. Moreover, the output of the process according to the Hilliard patent is a profile describing colorimetric characteristics of the image capture device according to the computed relationship; however, there is not a fair teaching that that profile is displayed as the "latched output." Indeed, there is not a fair indication in the cited portions of the Hilliard patent that the profile itself is displayed at all. Therefore, the Hilliard patent does not fairly teach a display device that operates as recited.

It is submitted that these arguments also apply to independent claims 11 and 19. However, with respect to claim 19, it should also be taken into account that the claim is drafted in means-plus-function format. Therefore, with respect to these recitations, the Examiner should consider the specification in the construction of this means-plus-function language. The Examiner has not done so in this case.

Even if the Examiner had attempted to consider the disclosed embodiments,

it is submitted that no anticipation would be found here. For example, it is submitted that the cited portions of the Hilliard patent do not recite an identical function of latching and displaying, as disclosed in claim 19. Moreover, even if an identical function is found, the structure of the present application is not fairly disclosed by the Hilliard patent.

Accordingly, independent claims 1, 11 and 19 are not anticipated by the Hilliard patent. Likewise, claims 2-3, 6-10, 14 and 16-17, all dependent on one of these independent claims, are not anticipated.

The Examiner rejected claims 4 and 5 as being unpatentable over a combination of Hilliard and Capello. However, the deficiencies of Hilliard noted above are not cured by the cited portions of Capello. Therefore, because claims 4 and 5 are dependent upon claim 1, such claims are not rendered obvious by the suggested combination.

Moreover, claims 13, 15 and 20 were rejected under 35 U.S.C. §103 as being unpatentable over Hilliard in view of Motamed. However, the cited teachings of Motamed do not cure the deficiencies of Hilliard as noted above. Therefore, claims 13, 15 and 20 are likewise not rendered obvious by the suggested combination.

#### **Non-Art Objection**

It is submitted that the informality of claim 5 is cured by the amendment to the claim.

**CONCLUSION**

In view of the foregoing comments, all claims are submitted as being in condition for allowance. Early notification of such allowance is hereby respectfully requested.

Respectfully submitted,

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I hereby certify that this paper and/or fee is being deposited with the United States Postal Service as First Class Mail service on **January 24, 2005** and is addressed to the MAILSTOP AMENDMENT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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